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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/816,000	04/02/2004	James Vogeley	4209-26	7279	
23117 75	590 01/19/2006		EXAMINER		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR			RODRIGUEZ, WILLIAM H		
ARLINGTON,	•	LOOK	ART UNIT PAPER NUMBER		
•			3746	_	
			DATE MAILED: 01/19/2000	DATE MAILED: 01/19/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Commence	10/816,000	VOGELEY ET AL.				
Office Action Summary	Examiner	Art Unit				
	William H. Rodriguez	3746				
- The MAILING DATE of this communication appreciation app	ears on the cover sheet with the c	orrespondence add	iress			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on 7/6/05	5 (preliminary amendment).					
· · · · · · · · · · · · · · · · · · ·	action is non-final.					
· <u>—</u>	) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
• • • • • • • • • • • • • • • • • • • •	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
· <u>_</u>						
4) Claim(s) 1-73 is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw	in from consideration.		•			
5) Claim(s) is/are allowed.						
	6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.						
8)⊠ Claim(s) <u>1-73</u> are subject to restriction and/or e	lection requirement.					
Application Papers						
9) The specification is objected to by the Examiner						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents	have been received in Application	on No				
3. Copies of the certified copies of the prior	·	d in this National S	Stage			
• •	application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of	* See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)						
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)  Paper No(s)/Mail Date						
<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> </ul>	5) Notice of Informal P		-152)			
Paper No(s)/Mail Date	6) Other:	, , , , , , , , , , ,	•			
S. Patent and Todomark Office						

## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following 4 patentably distinct species of the claimed invention: I) Species of claims 1-10 and 23-39 disclosed in paragraphs 51-57; II) Species of claims 11-22 and 69-73 disclosed in paragraphs 58-205; III) Species of claims 40-50 disclosed in paragraph 19 ll. 4-7; and IV) Species of claims 51-68 disclosed in paragraph 96.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission

may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Contact information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to William H. Rodriguez whose telephone number is 571-272-4831.

The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Primary Examiner** Art Unit 3746